IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

WP(C).No. 28885 of 2003(L)

PETITIONERS:
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1. **P.K.MATHACHAN (AGED 54 YEARS),**
   S/O. KURUVILA, MECHANIC, K.S.R.T.C., PALAI DEPOT.

2. **V.K.THAMPI,**
   MECHANIC, K.S.R.T.C., THODUPUZHA DEPOT.

BY ADV. SRI.K.P.RAJEEVAN.

RESPONDENTS:
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1. **STATE OF KERALA,**
   REPRESENTED BY ITS SECRETARY, TRANSPORT DEPARTMENT
   SECRETARIAT, THIRUVANANTHAPURAM.

2. **KERALA STATE ROAD TRANSPORT CORPORATION,**
   REPRESENTED BY ITS MANAGING DIRECTOR,
   TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM.

3. **THE DISTRICT TRANSPORT OFFICER,**
   K.S.R.T.C., PALAI DEPOT.

4. **THE ASSISTANT TRANSPORT OFFICER,**
   K.S.R.T.C., THODUPUZHA DEPOT.

5. **KERALA PUBLIC SERVICE COMMISSION,**
   REPRESENTED BY ITS SECRETARY, PATTOM,
   THIRUVANANTHAPURAM.

BY ADV. SRI. JOHNSON P. JOHN, S.C., KSRTC,
ADV. SRI. P.C. SASIDHARAN, S.C, P.S.C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.28885/2003:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ADVICE NO. CR1 (4) 4262/76/CW DTD. 07/08/1981 ISSUED BY THE R.5 TO THE P.1.

EXT.P.2: COPY OF THE MEMO NO. PLD 6-45360/91 DTD. 11/09/1991.

EXT.P.3: COPY OF THE MEMORANDUM NO. E3-3011/96/PLA DTD. NIL. ISSUED BY THE R.3. TO THE P.1.

EXT.P.4: COPY OF THE MEMORANDUM NO. E3-3011/96/PLA DTD. 29/03/1997.

EXT.P.5: COPY OF THE REPRESENTATION DTD. 20/06/2003 FILED BY THE P.1. BEFORE THE R.2.

EXT.P.6: COPY OF THE REPRESENTATION DTD. 30/07/2003 FILED BY THE P.1. BEFORE THE R.1.

EXT.P.7: COPY OF THE MEMORANDUM NO. PL1-1188/96/TDPA DTD. 02/12/1996 ISSUED BY THE R.4.

EXT.P.8: COPY OF THE MEMORANDUM NO. PL1-1188/96/TDPA DTD. 17/03/1997.

EXT.P.9: COPY OF THE REPRESENTATION FILED BY THE P.2. BEFORE THE R.2. DTD. 20/06/2003.

EXT.P.10: COPY OF THE REPRESENTATION FILED BY THE P.2. BEFORE THE R.1. ON 30/07/2003.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P.(C) No.28885 of 2003

Dated 20th February, 2007.

J U D G M E N T

The main prayer is for a direction to the first respondent to grant minimum pension. Learned Standing Counsel appearing for the Corporation submits that the petitioners do not have the qualifying service exceeding 9 years for the purpose of minimum pension. The contention of the petitioners is that though they were advised long back, they were actually appointed by the Corporation only after a lapse of 15 years. In the meanwhile, several of their juniors in the list got appointment and they are enjoying regular pension. Learned Standing Counsel submits that such appointments were made only in compliance with the directions issued by this Court. If as a matter of fact, the juniors in the advice list were appointed by the Corporation, there is a genuine grievance for the petitioners since the appointments thus offered by the Corporation were overlooking the seniority in the advice list. In the above circumstances, the writ petition is disposed of as follows :-

In the event of the petitioners approaching the first

respondent within two months from today, the matter will be duly considered by the first respondent with notice to the petitioners and appropriate action in accordance with law to do equity and justice to the petitioners, taking note of the observation contained in this judgment will be taken, within another four months.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

W.P.(C)No. of 2002

J U D G M E N T

Dated 20th February, 2007.